

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JANE DOE,

Plaintiff,

vs.

SCOTT FRAKES, Director of the Department of Corrections, In His Individual and Official Capacity; DIANE J. SABATKA-RINE, Former Director of Institutions, Now Chief of Operations, In Her Individual Capacity; RANDY T. KOHL, Former Director of Health Services at Department of Correctional Services; JEFFREY A. DAMME, Medical Doctor, In His Individual Capacity; CORRECT CARE SOLUTIONS LLC, BARBARA LEWIN, Warden of Omaha Correctional Center, In her individual capacity; ROB BRITTEN, In His Individual Capacity, Facility Prison Rape Elimination Act Compliance Manager of Omaha Correctional Center; KATHLEEN OGDEN, Medical Doctor and Omaha Correctional Center Facility Health Administrator, In Her Individual Capacity; MARGARET ANTLEY, Physician Assistant at Omaha Correctional Center, In her Individual Capacity; THOMAS DAVIS, Former Housing Unit Manager at Omaha Correctional Center, In his Individual Capacity; RICHARD MARTIN, Current Housing Unit Caseworker at Omaha Correctional Center, In his Individual Capacity; RYAN LAFAVE, Nursing Supervisor at Omaha Correctional Center, in His Individual Capacity; and RICH CRUICKSHANK, Current Warden of Omaha Correctional Center, In His Individual capacity;

Defendants.

8:20-CV-128

**ORDER ON MOTION TO PROCEED IN
FORMA PAUPERIS**

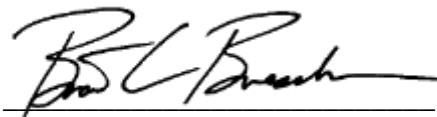
This matter is before the Court on Plaintiff's Motion to Proceed In Forma Pauperis in which she requests that the Court permit her to proceed *in forma pauperis* to file an appeal. [Filing 117](#). Pursuant to Federal Rule of Appellate Procedure 24(a), except as otherwise provided, "a party to a district-court action who desires to appeal in forma pauperis must file a motion in the district court." [Fed. R. App. P. 24\(a\)\(1\)](#). The party must also "attach an affidavit that: (A) shows in detail prescribed by Form 4 of the Appendix of Forms the party's inability to pay or to give security for fees and costs; (B) claims an entitlement to redress; and (C) states the issues that the party intends to present on appeal." [Fed. R. App. P. 24\(a\)\(1\)\(A\)–\(C\)](#).

The Court has reviewed Plaintiff's Motion and supporting affidavits. Although Plaintiff meets the standard for indigency, the Motion filed by her Counsel does not meet the requirements of [Fed. R. App. P. 24\(a\)\(1\)](#). Specifically, the Motion does not include an affidavit that "states the issues that [she] intends to present on appeal" as required by [Fed. R. App. P. 24\(a\)\(1\)\(C\)](#). *See e.g., Massie v. Anthony Timberlands, Inc.*, No. 6:06-CV-6005, 2008 WL 11440574, at *1 (W.D. Ark. Mar. 6, 2008), *report and recommendation adopted*, No. 6:06-CV-6005, 2008 WL 11450881 (W.D. Ark. Apr. 9, 2008) ("Plaintiff did not state the issues that he intends to appeal as required by [FED. R. APP. P. 24\(a\)\(1\)\(C\)](#). He has, therefore, failed to comply with the Federal Rules of Appellate Procedure in perfecting his *in forma pauperis* appeal"). Accordingly,

IT IS ORDERED that Plaintiff's Motion to Proceed In Forma Pauperis, [Filing 117](#), is denied without prejudice to reassertion.

Dated this 14th day of September, 2022.

BY THE COURT:



Brian C. Buescher
United States District Judge